

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

STEVE NOLAN,) Case No. 1:07 CV 3077
vs.)
Petitioner,) Judge Dan Aaron Polster
vs.)
) MEMORANDUM OF OPINION
CHRISTINE MONEY, Warden,) AND ORDER
vs.)
Respondent.)

This case is before the Court on the post-judgment Motion to Alter and Amend Judgment or, in the Alternative, Motion for a New Trial (“Motion”) (Doc #: 19). For the following reason, the Motion is **DENIED**.

On October 9, 2007, Petitioner Steve Nolan filed a Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (“§ 2254 Petition”). (Doc #: 1.) In a Memorandum and Order dated January 21, 2011, the Court issued a well-reasoned decision denying the § 2254 Petition.¹ (Doc #: 17.) Petitioner has now filed a Motion to Alter and Amend Judgment or, in the Alternative, Motion for a New Trial. (Doc #: 19.)

A motion under Rule 59(e) of the Federal Rules of Civil Procedure should not be granted, absent extraordinary circumstances unless there is a clear error of law, newly discovered

¹Then-District Judge Kathleen M. O’Malley wrote the January 21, 2011 Memorandum and Order just prior to being elevated to the Federal Circuit Court of Appeals. The case was subsequently assigned to me.

evidence, an intervening change in controlling law, or to prevent manifest injustice. *Gencorp, Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999). The Court has reviewed the January 21, 2011 Memorandum and Order and the pending Motion and finds that the Court did not commit clear error, there has been no intervening change in the law, Petitioner has produced no new evidence that should lead the Court to a different ruling, and there is no showing of manifest injustice. Rather, Petitioner simply reiterates the same arguments previously presented and resolved.

Accordingly, the Motion (**Doc #: 19**) is hereby **DENIED**.

IT IS SO ORDERED.

/s/Dan A. Polster June 9, 2011

Dan Aaron Polster

United States District Judge